

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE	§
COMMISSION,	§
	§
Plaintiff,	§
	§ Civil Action No. 3:08-CV-2050-D
VS.	§
	§
MARK CUBAN,	§
	§
Defendant.	§

ORDER

Plaintiff Securities and Exchange Commission's ("SEC's") December 15, 2011 motion to compel defendant Mark Cuban to appear for deposition is granted as follows.¹ Defendant Mark Cuban ("Cuban") shall appear for his deposition on a date between February 1 and 16, 2012 that is mutually agreeable to the parties. If a party unreasonably fails to agree to a particular date during this period, the party will be subject to sanctions. The parties must agree on the deposition date no later than January 13, 2012 and must promptly submit a proposed order for the court's consideration. The order must provide that Cuban will appear for his deposition on the specific date agreed upon and at a specific time and location. Once the order is filed, the deposition must take place as scheduled unless the court orders otherwise.

The SEC contends that is entitled to take Cuban's deposition sufficiently in advance of the

¹The Civil Justice Expense and Delay Reduction Plan adopted by this court provides that "[e]ach judge will continue to give priority to the monitoring and resolution of pending motions." Plan at § XI(2), *reprinted in* Texas Rules of Court: Federal at 305 (West Pamp. Supp. 2011). To eliminate undue delay and unnecessary expense to the parties to this and other civil actions pending on the court's docket, and because the court has determined that the motion is suitable for resolution in this manner, the court is deciding this motion by order rather than by a more detailed memorandum opinion.

close of discovery to allow for any follow up discovery that may be required based on his testimony. If as a result of this order the SEC has cause to extend the February 17, 2012 discovery cutoff, it may seek this relief by agreement of the parties (subject to incorporation into a court order) or by motion.

Additionally, it is the court's intention that, if the SEC so requests, the sequence of discovery replicate the one in place when Cuban's deposition was scheduled to be conducted on November 18, 2011.² If as a result of taking Cuban's deposition in February 2012 it is necessary to delay depositions that would otherwise have been conducted after Cuban testified on November 18, 2011 but are now scheduled to take place before Cuban's deposition, these depositions may be delayed at the SEC's request, provided the discovery cutoff is enlarged to accommodate the dates of these depositions.

The SEC's motion is granted as set forth in this order.³

SO ORDERED.

December 30, 2011.


SIDNEY A. FITZWATER
CHIEF JUDGE

²The court emphasizes that this applies only if the SEC so requests. There may be myriad reasons why the SEC does not wish to change depositions that have now been scheduled, regardless of the fact that they will precede Cuban's February 2012 deposition.

³Assuming that the SEC seeks some form of sanctions, the court declines in its discretion to impose sanctions under any relevant provision of Fed. R. Civ. P. 37.